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10/693,279	10/23/2003	Arthur Howarth	CISCIP347/7692	4138
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BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			NGUYEN, DUSTIN	
OAKLAND, CA 94612-0250				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,279

Applicant(s)

HOWARTH ET AL.

Examiner

DUSTIN NGUYEN

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 12/21/2007 have been fully considered but they are not persuasive.
3. In response to applicant's arguments, the recitation in claim "the instructions for causing one or more devices of the home network to perform steps..." has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
4. As per remarks, Applicants' argued that (1) Seki's connection request is received at the proxy server 14, not the gateway 10 in the home network, and verification/authentication processes are all performed by the proxy server 14, not the home gateway.

5. As to point (1), Seki discloses a method and apparatus for remotely controlling controlled apparatuses on a home network [i.e. controlled access to a home network] [Abstract; and paragraph 0002]. Applicants correctly identify connection request is received at the proxy server, however, the proxy server 14 is responsible for the home-network apparatus and establishes an SSL session for gateway 10 [i.e. one or more devices of the home network as claimed] [paragraph 0033], including received and authentication of the requests [i.e. receiving a log-in attempt from a remote user and verifying that the remote user is an authorized user of the home network as claimed] [paragraphs 0135 and 0173].

6. As per remarks, Applicants' argued that (2) Seki fails to teach or suggest generating a network address translation rule associating the Internet protocol address with a port of a device on the home network, as recited in claim 1.

7. As to point (2), it is rejected for same reasons as mentioned in previous Office Action. Furthermore, Seki discloses proxy server transmits command transfer setting request message to gateway 10, wherein the command transfer setting request message includes address, port number, home-network apparatus identifier, the gateway 10 receives the command transfer setting request message and retrieves the network address information corresponding to the home-network apparatus identifier, and then the proxy server generates address conversion information as in address conversion table [i.e. generating a network address translation rule associating the Internet protocol address with a port of a device on the home network] [Figure 9; and paragraphs 0144-0155].

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 1, paragraph 0082 discloses intrinsic evidence of carrier wave [i.e. signal] for "a computer readable medium". As such, it is being considered as non-statutory subject matter, fails to fall within a statutory category of invention because it is not a process, machine, manufacture nor composition of matter [Please see MPEP 2106]. Applicants traverse the rejection, however, an electromagnetic carrier signal, or carrier wave, or signal is being considered as non-statutory subject matter. Examiner suggests Applicants to correct the claims to read "A computer storage medium".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki [US Patent Application No 2003/0018753], in view of Hummel, Jr. et al. [US Patent No 6,584,454].

11. As per claim 1, Seki discloses the invention as claimed including a computer readable medium for providing controlled access to a home network [i.e. remotely controlling controlled apparatus on a home network] [Figure 1; Abstract; and paragraphs 0002 and 0017], the

computer program including instructions for causing one or more devices of the home network to perform steps comprising:

receiving a log-in attempt from a remote user, the log-in attempt originating from an Internet protocol address [i.e. receive connection request from the remote terminal] [ST404, Figure 4A; Abstract; paragraphs 0133 and 0134];

verifying that the remote user is an authorized user of the home network [i.e. user authentication] [paragraphs 0134, 0135 and 0173];

generating a network address translation rule associating the Internet protocol address with a port of a device on the home network [i.e. address conversion or protocol conversion] [ST434, ST435, Figure 4B; and paragraphs 0162, 0167 and 0175];

displaying a graphical user interface to the remote user [i.e. selection screen displayed for remote terminal] [Figures 5-8 and 10; and paragraphs 0132, 0137, and 0140].

Seki does not specifically disclose

the graphical user interface allowing the remote user to select only content or services that the remote user is authorized to select;

receiving a selection request from the remote user; and

providing content or services to the remote user according to the selection request.

Hummel discloses

the graphical user interface allowing the remote user to select only content or services that the remote user is authorized to select [i.e. determine whether user has access right] [170, 172, Figure 6; Abstract; col 10, lines 43-48; and col 11, lines 1-8];

receiving a selection request from the remote user [i.e. the system user selecting] [Figure 6; and col 9, lines 14-43]; and

providing content or services to the remote user according to the selection request [i.e. deliver] [178, Figure 6; Abstract; and col 2, lines 53-62].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Seki and Hummel because the teaching of Hummel on user access right would provide software protection and license monitoring of application software and information files for remote applications [Hummel, col 1, lines 7-9].

12. As per claim 2, Seki discloses instructions for causing a gateway of the home network to transmit authentication information regarding the remote user to one or more devices of the home network after verifying that the remote user is an authorized user of the home network [paragraphs 0156 and 0193].

13. As per claim 3, Seki discloses instructions for causing a gateway of the home network to communicate with the remote user according to a first protocol different from a second protocol used for communication between the gateway and one or more devices of the home network [i.e. rewrite the header information of the packet from IP to IEEE1394] [ST434, ST435, Figure 4B; and paragraph 0162].

14. As per claim 4, Seki discloses wherein the first protocol is HTTP [Abstract; and paragraphs 0112, 0131 and 0136].

15. As per claim 5, Seki discloses wherein the second protocol is a content protocol [paragraphs 0005 and 0105].

16. As per claim 6, it is rejected for similar reasons as stated above in claims 1. Furthermore, Seki discloses a gateway configured to provide controlled access to a home network, the gateway comprising: a first port configured a second port configured for attaching a network device of the home network [10, Figure 1; and paragraphs 0104-0106].

17. As per claim 7, it is rejected for similar reasons as stated above in claim 1.

18. As per claim 8, it is rejected for similar reasons as stated above in claim 6.

19. As per claim 9, it is rejected for similar reasons as stated above in claim 3.

20. As per claim 10, Seki discloses wherein the first network device comprises a personal computer or a network attached storage device [12, 13, Figure 1; and paragraph 0104 and 0108].

21. As per claim 11, it is rejected for similar reasons as stated above in claim 1. Furthermore, Seki discloses a second network device, the gateway being further configured to: receive a second selection request from the remote user; and provide services to the remote user from the

second network device according to the second selection request [i.e. making newly request] [Figures 5-8 and 10; and paragraphs 0132 and 0166].

22. As per claim 12, Seki discloses wherein the second network device is a webcam or a device for streaming audio data [Figure 5; and paragraphs 0004].

23. As per claims 13-17, they are rejected for similar reasons as stated above in claims 1-5.

24. As per claim 18, it is rejected for similar reasons as stated above in claim 1.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/
Primary Examiner, Art Unit 2154

Application Number**Application/Control No.**

10/693,279

Examiner

DUSTIN NGUYEN

**Applicant(s)/Patent under
Reexamination**

HOWARTH ET AL.

Art Unit

2154